



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

May 8, 2009

Dear Wastewater Treatment Plant Official:

This letter serves to notify you that during its 2009 Session the General Assembly passed, and the Governor approved, House Bill 2074 / Senate Bill 1022. A copy of the legislation is attached. This legislation provides for the State Water Control Board to accept petitions through July 10, 2009 regarding requests to extend the deadline for securing a certificate to operate for certain wastewater treatment facilities listed in the Virginia Water Quality Management Planning Regulation with footnoted nutrient allocations.

Petitions need to be submitted no later than 5:00 PM on July 10, 2009 to Mr. John M. Kennedy, DEQ-Office of Water Quality Programs at the mailing address shown above or to Mr. Kennedy's email address: john.kennedy@deq.virginia.gov. Any questions may be directed to Mr. Kennedy at 804-698-4312.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Gilinsky".

Ellen Gilinsky, Ph.D.
Director, Water Division

Attachment

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 361

An Act to authorize the State Water Control Board to adopt certain regulations relating to wastewater treatment plants.

[H 2074]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

- 1.** *§ 1. The State Water Control Board shall accept petitions through July 10, 2009, for purposes of the expedited process set forth in this section, from the facilities subject to waste load allocations for two or more design flows based on their respective certificates to operate as of December 31, 2010. The petitions shall be for the sole purpose of extending the deadline to no later than December 31, 2015, to obtain the certificate to operate at the higher design flow, subject to the condition that such facilities shall nevertheless be required to comply with such nutrient allocations as of January 1, 2011, whether by point source nutrient credit exchanges under § 62.1-44.19:4 of the Code of Virginia or otherwise. The State Water Control Board shall, with respect to these facilities, approve or deny such petitions and adopt any regulation amendments to incorporate any approved petitions within 180 days of the petition deadline. Prior to a final decision on the petitions, the State Water Control Board shall provide an opportunity for public comment.*
- 2.** **That the State Water Control Board's adoption of any regulation amendments made pursuant to this act shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Code of Virginia of the Administrative Process Act.**
- 3.** **That this act shall not prohibit any person from petitioning the State Water Control Board at any time to amend existing nutrient waste load allocations pursuant to § 2.2-4007.**